

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 23-2834-KK-AFMx**

Date: December 6, 2023

Title: ***Sound Nexus LLC v. Bang and Olufsen America, Inc.***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and/or Comply with Court Orders

On April 17, 2023, plaintiff Sound Nexus LLC (“Plaintiff”) filed a Complaint against defendant Bang and Olufsen America, Inc. (“Defendant”). ECF Docket No. (“Dkt.”) 1. On July 17, 2023, the Court issued a Standing Order for Patent Cases requiring the parties to file opening “Claim Construction” briefs no later than seven days after the parties filed the Joint Claim Construction and Prehearing Statement. Dkt. 34 at 9. The parties filed the Joint Claim Construction and Prehearing Statement on October 31, 2023. Dkt 35. Plaintiff was, therefore, required to file its Claim Construction brief no later than November 7, 2023. However, the Court has not received Plaintiff’s Claim Construction brief. Hence, Plaintiff is in violation of the Court’s July 17, 2023 Order.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain its failure to file the Claim Construction brief as directed by the Court’s July 17, 2023 Order.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed as to Defendant and/or sanctions imposed for failure to prosecute and/or comply with Court orders. Plaintiff shall have **up to and including December 13, 2023** to respond to this Order.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice and/or other sanctions, including monetary sanctions, for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.